

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Ali Tanana,

Defendant.

Case No. 16-20260

Hon. Robert H. Cleland

STIPULATED PRELIMINARY ORDER OF FORFEITURE

The United States of America, by and through its attorneys, Barbara L. McQuade, United States Attorney for the Eastern District of Michigan, and Philip A. Ross, Assistant United States Attorney, together with Defendant Ali Tanana (“Defendant”), individually and by and through his attorney, James C. Thomas, Esq., hereby submit this Stipulated Preliminary Order of Forfeiture:

1. WHEREAS, an Information was filed on or around April 12, 2016, charging Defendant Ali Tanana in Count One with Wire Fraud, in violation of 18 U.S.C. § 1343. (Doc # 11).
2. WHEREAS, on or about June 24, 2016, Defendant entered into a Rule 11 Plea Agreement (“Rule 11”) wherein he pleaded guilty to Count One of the Information. (Doc # 17).

3. In his Rule 11 Defendant stipulated to the forfeiture, pursuant to 18 U.S.C. § 981(A)(1)(C) and 28 U.S.C. § 2461(c) of \$14,807.00 in U.S. Currency seized from Huntington Safe Deposit Box #34. The United States agreed to return 43 pieces of miscellaneous jewelry seized from Huntington Safe Deposit Box #34 following the imposition of sentence in this case.

4. Defendant and the United States stipulate and agree to the immediate entry of this stipulated Forfeiture order as set forth below.

5. NOW, THEREFORE, pursuant to 18 U.S.C. § 981(A)(1)(C) and 28 U.S.C. § 2461(c), the agreement of the parties, and the information in the record:

IT IS HEREBY ORDERED that Defendant shall forfeit to the United States Fourteen Thousand Eight Hundred Seven Dollars (\$14,807.00) in U.S. Currency seized from Huntington Safe Deposit Box #34. The United States agreed to return 43 pieces of miscellaneous jewelry seized from Huntington Safe Deposit Box #34.

IT IS FURTHER HEREBY ORDERED that the above described Fourteen Thousand Eight Hundred Seven Dollars (\$14,807.00) **IS HEREBY FORFEITED** to the United States of America, for disposition in accordance with law, and any right, title or interest of Defendant in such funds, and any right, title or interest that his heirs, successors or assigns have or may have in such funds **IS HEREBY AND FOREVER EXTINGUISHED.**

NOW THEREFORE, based upon the Information, this Stipulation, and other Information in the record, Defendant hereby agrees to immediate entry of this Stipulated Preliminary Order of Forfeiture, and that any and all interest he has in the Subject Property is hereby forfeited to the United States for disposition according to law.

In entering into this Stipulation with respect to forfeiture, Defendant knowingly, voluntarily, and intelligently waives any challenge to forfeiture of the Subject Property based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution, specifically acknowledges that the Subject Property was involved in or was traceable to illegal activity in violation of 18 U.S.C. § 981(A)(1)(C).

Upon entry of this Stipulated Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.

Upon entry of this Stipulated Preliminary Order of Forfeiture, the United States shall publish on www.forfeiture.gov, notice of this preliminary forfeiture order and of its intent to dispose of the Subject Property in such manner as the Attorney General may direct, pursuant to 21 U.S.C § 853(n). Said notice shall direct that any person, other than the Defendant, asserting a legal interest in the

Subject Property may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Property. Any petition filed by a third party asserting an interest in the Subject Property must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Property.

Further, after the disposition of any motion filed under Federal Rule of Criminal Procedure 32.2(c)(1)(A) and before a hearing on the petition, the United States may conduct discovery in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this Stipulated Preliminary Order of Forfeiture shall become final as to Defendant at

the time of his sentencing. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Federal Rule of Criminal Procedure 32.2(c)(2).

The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C § 853(n)(2) for the filing of third party petitions.

The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Agreed as to form and substance:

BARBARA L. McQUADE
United States Attorney

s/Philip A. Ross
Philip A. Ross
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9790
Philip.ross@usdoj.gov
(VA State Bar #70269)

Dated: October __, 2016

s/James C. Thomas
James C. Thomas
Attorney for Defendant
12900 Hall Road, Suite 350
Sterling Heights, MI 48313
(586) 726-1000
jthomas@orlaw.com

Dated: October __, 2016

s/Ali Tanana, please see attached page
Ali Tanana, Defendant

Dated: October __, 2016

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 8, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 8, 2016, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Agreed as to form and substance:

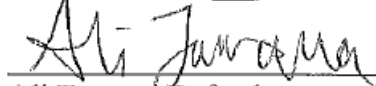
BARBARA L. McQUADE
United States Attorney

s/ Philip A. Ross
Philip A. Ross
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211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9790
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(VA State Bar #70269)

Dated: October __, 2016

s/James C. Thomas
James C. Thomas
Attorney for Defendant
12900 Hall Road, Suite 350
Sterling Heights, MI 48313
(586) 726-1000
jthomas@orlaw.com

Dated: October __, 2016


Ali Tanana, Defendant

Dated: October __, 2016

IT IS SO ORDERED.

Dated: _____

Honorable Robert H. Cleland
United States District Judge